

1
2
3
4 **BEFORE THE**
5 **STATE BOARD OF OPTOMETRY**
DEPARTMENT OF CONSUMER AFFAIRS
6 **STATE OF CALIFORNIA**

7 In the Matter of the Petition to Revoke
8 Probation Against:

Case No. 2000-152

9 **BRETT BYRON CORNELISON**
10 **524 W. Putnam Avenue**
Porterville, CA 93257

DEFAULT DECISION AND ORDER

11 **Certificate of Registration to Practice**
12 **Optometry No. 9861**

[Gov. Code, §11520]

Respondent.

13
14 **FINDINGS OF FACT**

15 1. On or about December 29, 2010, Complainant Mona Maggio, in her official capacity
16 as the Executive Officer of the State Board of Optometry, Department of Consumer Affairs, filed
17 Petition to Revoke Probation No. 2000-152 against Brett Bryon Cornelison (Respondent) before
18 the State Board of Optometry. (The Petition to Revoke Probation is attached as Exhibit A.)

19 2. On or about March 6, 1992, the State Board of Optometry (Board) issued Certificate
20 of Registration to Practice Optometry No. 9861 to Respondent. The Certificate of Registration to
21 Practice Optometry was in full force and effect at all times relevant to the charges brought herein
22 and expired on October 31, 2010. This lapse in licensure, however, pursuant to Business and
23 Professions Code section 118(b), does not deprive the Board of its authority to institute or
24 continue this disciplinary proceeding.

25 3. On or about January 21, 2011, Respondent was served by Certified and First Class
26 Mail copies of the Petition to Revoke Probation No. 2000-152, Statement to Respondent, Notice
27 of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
28 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and

Professions Code section 3070, is required to be reported and maintained with the Board, which was and is:

BRETT BYRON CORNELISON
524 W. Putnam Avenue
Porterville, CA 93257

4. Service of the Petition to Revoke Probation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

6. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of Petition to Revoke Probation No. 2000-152.

7. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No. 2000-152, finds that the charges and allegations in Petition to Revoke Probation No. 2000-152, are separately and severally, found to be true and correct by clear and convincing evidence.

9. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1,745.00 as of March 7, 2011.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Brett Bryon Cornelison has
3 subjected his Certificate of Registration to Practice Optometry No. 9861 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The State Board of Optometry is authorized to revoke Respondent's Certificate of
6 Registration to Practice Optometry based upon the following violations alleged in the Petition to
7 Revoke Probation which are supported by the evidence contained in the Default Decision
8 Evidence Packet in this case:

9 1. Respondent failed to comply with condition 2 of his probation program, in that he
10 failed to cooperate with the Board's Probation Surveillance Program in the following respects:

11 a. Respondent did not appear at his orientation interview scheduled for April 28, 2010,
12 and never responded to the Board's announcement letter, though he had received it.

13 b. Respondent was notified that he was in violation of the terms and conditions of his
14 probation, in particular conditions 2, 9, 13, and 14; and was directed to immediately provide the
15 Board with an explanation as to his noncompliance with each condition, to nominate a monitor to
16 observe his practice, and to submit a plan of reimbursement of the remaining cost recovery due to
17 the Board. Respondent failed to provide the Board with an explanation as to his noncompliance
18 as directed, or otherwise comply with the Board's demands.

19 2. Respondent failed to comply with condition 9 of his probation in that he failed to
20 submit to the Board for its approval within 30 days of the effective date of the decision a plan in
21 which another optometrist shall monitor his practice. Further, when the Board's designee
22 demanded on June 2, 2010 that Respondent nominate a monitor, Respondent failed to comply
23 again, and instead submitted eight probation reports to the Board for monitoring dates between
24 March 2005, and June 2010, all of which were signed by a Dr. Soursa and dated June 14, 2010.

25 3. Respondent failed to comply with condition 13 requiring him to remain in contact
26 with the Board in that he did not attend his orientation interview, as set forth in paragraph 1(a)
27 above, he failed to contact the Board to reschedule the interview, and he failed to contact the

28 ///

1 Board as requested to provide an explanation as to his noncompliance with conditions 2, 9, 13,
2 and 14 of his probation.

3 4. Respondent failed to comply with condition 14 of his probation in that he failed to
4 submit a plan of reimbursement to the Board within 30 days of the effective date of the Decision.
5 Further, after receiving the Board's letter of June 2, 2010, Respondent submitted a plan of
6 reimbursement to the Board that was not in compliance with this condition in that the proposed
7 payments were not scheduled to be completed within 6 months of the end of the three year
8 probationary period.

9 ORDER

10 IT IS SO ORDERED that Certificate of Registration to Practice Optometry No. 9861,
11 heretofore issued to Respondent Brett Bryon Cornelison, is revoked.

12 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
13 written motion requesting that the Decision be vacated and stating the grounds relied on within
14 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
15 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

16 This Decision shall become effective on May 19, 2011.

17 It is so ORDERED April 19, 2011

18
19
20 
21 FOR THE STATE BOARD OF OPTOMETRY
22 DEPARTMENT OF CONSUMER AFFAIRS
23

24 10673588.DOC
25 DOJ Matter ID:SA2010101757

26 Attachment:
27 Exhibit A: Petition to Revoke Probation
28

Exhibit A

Petition to Revoke Probation

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 2000-152

13 **BRETT BYRON CORNELISON**
14 **524 W. Putnam Avenue**
15 **Porterville, CA 93257**
16 **Certificate of Registration to Practice**
17 **Optometry No. 9861**

PETITION TO REVOKE PROBATION

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Mona Maggio ("Complainant") brings this Petition to Revoke Probation solely in her
20 official capacity as the Executive Officer of the State Board of Optometry ("Board"), Department
21 of Consumer Affairs.

22 2. On or about March 6, 1992, the Board issued Certificate of Registration to Practice
23 Optometry Number 9861 (hereinafter "certificate") to Brett Byron Cornelison ("Respondent").
24 Respondent's certificate will expire on October 31, 2010, unless renewed.

25 3. On or about January 25, 2000, the Board certified Respondent to treat with
26 Therapeutic Pharmaceutical Agents pursuant to Business and Professions Code section 3041.

27 ///

28 ///

PRIOR DISCIPLINE

4. On July 9, 2004, pursuant to the Decision and Order in the disciplinary proceeding titled *In the Matter of the Accusation Against: Brett Byron Cornelison*, Case No. 2000-152, the Board revoked Respondent's certificate effective August 9, 2004. The revocation was stayed and Respondent was placed on probation for four years on terms and conditions. Condition 14 provided, in part, that if an accusation or petition to revoke probation was filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended until the matter is final. A true and correct copy of the Decision and Order is attached as Exhibit A and incorporated herein.

5. On August 5, 2008, Petition to Revoke Probation No. 2000-152 was filed against Respondent, which tolled probation in the first case.

6. On March 26, 2010, pursuant to the Stipulated Settlement and Disciplinary Order adopted by the Board as its Decision in the disciplinary proceeding described in paragraph 5 above, the Board revoked Respondent's certificate effective April 26, 2010. The revocation was stayed and Respondent's probation was extended for three years on terms and conditions, including those conditions specified below. A true and correct copy of the Decision and Order is attached as Exhibit B and incorporated herein.

7. Condition 5 of Respondent's probation states:

If Respondent violates probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

8. Grounds exist to revoke Respondent's probation and reimpose the order of revocation of his certificate in that he has violated the conditions of his probation as follows:

FIRST CAUSE TO REVOKE PROBATION

(Failure to Cooperate with Probation Surveillance Program)

9. Condition 2 of Respondent's probation states, in pertinent part, that Respondent shall comply with the Board's probation surveillance program.

1 10. Respondent's probation is subject to revocation in that he has failed to comply with
2 the conditions of his probation program, as set forth in subparagraphs (a) and (b) and paragraphs
3 11 through 19 below.

4 a. On April 6, 2010, the Board's designee sent a letter to Respondent, via certified and
5 regular mail, directing him to appear at his orientation interview scheduled for April 28, 2010.

6 Respondent never responded to the letter and failed to appear at his interview. The Board's
7 designee made several attempts to contact Respondent and was finally able to reach him by
8 telephone on May 20, 2010. Respondent admitted to the Board's designee during the telephone
9 conversation of May 20 that he had, in fact, received the letter.

10 b. On June 2, 2010, the Board's designee sent a letter to Respondent, notifying him that
11 he was in violation of the terms and conditions of his probation, including conditions 9, 13, and
12 14 set forth below. Respondent was directed to immediately provide the Board with an
13 explanation as to his noncompliance with each condition, to nominate a monitor to observe his
14 practice, and to submit a plan of reimbursement of the remaining cost recovery due to the Board.
15 The Board's designee also advised Respondent that Dr. Soursa, who had signed monitoring
16 reports for Respondent dated June 14, 2010, was not an approved monitor as he had repeatedly
17 failed to submit quarterly reports during Respondent's first term of probation. Respondent failed
18 to provide the Board with an explanation as to his noncompliance with conditions 2, 9, 13, or 14
19 as directed.

20 **SECOND CAUSE TO REVOKE PROBATION**

21 **(Failure to Comply with Monitoring Requirements)**

22 11. Complainant incorporates by reference as though fully set forth herein the allegations
23 contained in subparagraph 10 (b) above.

24 12. Condition 9 of Respondent's probation states that within 30 days of the effective date
25 of the decision, Respondent shall submit to the Board for its prior approval a plan of practice in
26 which Respondent's practice shall be monitored by another optometrist, who shall provide
27 periodic reports to the Board. Any cost for such monitoring shall be paid by Respondent. If the

28 ///

1 monitor resigns or is no longer available, Respondent shall, within 15 days, move to have a new
2 monitor appointed, through nomination by Respondent and approval by the Board.

3 13. Respondent's probation is subject to revocation in that he failed to submit to the
4 Board within 30 days of the effective date of the decision a plan in which another optometrist
5 shall monitor his practice. Further, Respondent failed to nominate a monitor as directed by the
6 Board's designee on June 2, 2010, and instead, submitted eight probation reports to the Board for
7 monitoring dates between March 2005, and June 2010, all of which were signed by Dr. Soursa
8 and dated June 14, 2010.

9 **THIRD CAUSE TO REVOKE PROBATION**

10 **(Failure to Contact Board's Designee)**

11 14. Complainant incorporates by reference as though fully set forth herein the allegations
12 contained in subparagraphs 10 (a) and (b) above.

13 15. Condition 13 of Respondent's probation states that during the period of probation,
14 Respondent shall contact the Board regularly through phone calls and/or personal appearances, as
15 the Board designates.

16 16. Respondent's probation is subject to revocation in that he failed to attend his
17 orientation interview scheduled for April 28, 2010, as above, failed to contact the Board to
18 reschedule the interview, and failed to contact the Board to provide an explanation as to his
19 noncompliance with conditions 2, 9, 13, and 14 of his probation.

20 **FOURTH CAUSE TO REVOKE PROBATION**

21 **(Failure to Comply with Cost Recovery Requirements)**

22 17. Complainant incorporates by reference as though fully set forth herein the allegations
23 contained in subparagraph 10 (b) above.

24 18. Condition 14 of Respondent's probation states, in pertinent part, that Respondent is
25 ordered to pay the Board its remaining costs of investigation and prosecution of this matter in the
26 amount of \$13,888.70. Within 30 days of the effective date of the Decision, Respondent shall
27 submit to the Board for its prior approval a plan of reimbursement to the Board through periodic
28 payments. Payments shall be completed within 6 months of the end of the three year

1 probationary period except that, if Respondent cannot complete payment within the three years,
2 the probation shall automatically be extended and continue until such time as the payment of the
3 Board's costs is complete.

4 19. Respondent's probation is subject to revocation in that he failed to submit a plan of
5 reimbursement to the Board within 30 days of the effective date of the Decision. Further, after
6 receiving the Board's letter of June 2, 2010, Respondent submitted a plan of reimbursement to the
7 Board that was not in compliance with this condition in that the proposed payments were not
8 scheduled to be completed within 6 months of the end of the three year probationary period.


9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the State Board of Optometry issue a decision:

12 1. Revoking probation and reimposing the order of revocation of Certificate of
13 Registration to Practice Optometry Number 9861, issued to Brett Byron Cornelison;

14 2. Taking such other and further action as deemed necessary and proper.

15
16 DATED: 12/29/10


17 MONA MAGGIO
Executive Officer
18 State Board of Optometry
Department of Consumer Affairs
19 State of California
Complainant

20
21
22
23
24
25
26 SA2010101757
27 10612629.doc
28

**BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke
Probation Against:

BRETT BYRON CORNELISON
524 W. Putnam Avenue
Porterville, CA 93257

**Certificate of Registration to Practice
Optometry No. 9861**

Respondent.

Case No. 2000-152

**DEFAULT DECISION INVESTIGATORY
EVIDENCE PACKET**

[Gov. Code §11520]

The Default Decision Investigatory Evidence Packet in support of the Default Decision and Order in the above entitled matter consists of the following.

Exhibit 1: Pleadings offered for jurisdictional purposes: Petition to Revoke Probation No. 2000-152 Statement to Respondent, Notice of Defense (two blank copies), Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail receipt or copy of returned mail envelopes;

Exhibit 2: License History Certification for Brett Bryon Cornelison Certificate of Registration to Practice Optometry No. 9861;

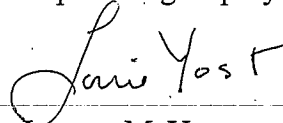
Exhibit 3: Certification of Costs by Board for Investigation and Enforcement in Case No. 2000-152 dated March 8, 2011;

Exhibit 4: Case Summary (without attachments) [OPT #9861]

Dated: March 8, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



LORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

Exhibit 1

Petition to Revoke Probation No. 2000-152
Statement to Respondent, Notice of Defense, Request for
Discovery and Discovery Statutes, proof of service; and if
applicable, mail receipt or copy of returned mail envelopes

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke
Probation Against:

Case No. 2000-152

13 **BRETT BYRON CORNELISON**
14 **524 W. Putnam Avenue**
15 **Porterville, CA 93257**
16 **Certificate of Registration to Practice**
17 **Optometry No. 9861**

PETITION TO REVOKE PROBATION

Respondent.

18 Complainant alleges:

PARTIES

19 1. Mona Maggio ("Complainant") brings this Petition to Revoke Probation solely in her
20 official capacity as the Executive Officer of the State Board of Optometry ("Board"), Department
21 of Consumer Affairs.

22 2. On or about March 6, 1992, the Board issued Certificate of Registration to Practice
23 Optometry Number 9861 (hereinafter "certificate") to Brett Byron Cornelison ("Respondent").
24 Respondent's certificate will expire on October 31, 2010, unless renewed.

25 3. On or about January 25, 2000, the Board certified Respondent to treat with
26 Therapeutic Pharmaceutical Agents pursuant to Business and Professions Code section 3041.

27 ///

28 ///

PRIOR DISCIPLINE

4. On July 9, 2004, pursuant to the Decision and Order in the disciplinary proceeding titled *In the Matter of the Accusation Against: Brett Byron Cornelison*, Case No. 2000-152, the Board revoked Respondent's certificate effective August 9, 2004. The revocation was stayed and Respondent was placed on probation for four years on terms and conditions. Condition 14 provided, in part, that if an accusation or petition to revoke probation was filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended until the matter is final. A true and correct copy of the Decision and Order is attached as Exhibit A and incorporated herein.

5. On August 5, 2008, Petition to Revoke Probation No. 2000-152 was filed against Respondent, which tolled probation in the first case.

6. On March 26, 2010, pursuant to the Stipulated Settlement and Disciplinary Order adopted by the Board as its Decision in the disciplinary proceeding described in paragraph 5 above, the Board revoked Respondent's certificate effective April 26, 2010. The revocation was stayed and Respondent's probation was extended for three years on terms and conditions, including those conditions specified below. A true and correct copy of the Decision and Order is attached as Exhibit B and incorporated herein.

7. Condition 5 of Respondent's probation states:

If Respondent violates probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

8. Grounds exist to revoke Respondent's probation and reimpose the order of revocation of his certificate in that he has violated the conditions of his probation as follows:

FIRST CAUSE TO REVOKE PROBATION

(Failure to Cooperate with Probation Surveillance Program)

9. Condition 2 of Respondent's probation states, in pertinent part, that Respondent shall comply with the Board's probation surveillance program.

1 10. Respondent's probation is subject to revocation in that he has failed to comply with
2 the conditions of his probation program, as set forth in subparagraphs (a) and (b) and paragraphs
3 11 through 19 below.

4 a. On April 6, 2010, the Board's designee sent a letter to Respondent, via certified and
5 regular mail, directing him to appear at his orientation interview scheduled for April 28, 2010.

6 Respondent never responded to the letter and failed to appear at his interview. The Board's
7 designee made several attempts to contact Respondent and was finally able to reach him by
8 telephone on May 20, 2010. Respondent admitted to the Board's designee during the telephone
9 conversation of May 20 that he had, in fact, received the letter.

10 b. On June 2, 2010, the Board's designee sent a letter to Respondent, notifying him that
11 he was in violation of the terms and conditions of his probation, including conditions 9, 13, and
12 14 set forth below. Respondent was directed to immediately provide the Board with an
13 explanation as to his noncompliance with each condition, to nominate a monitor to observe his
14 practice, and to submit a plan of reimbursement of the remaining cost recovery due to the Board.
15 The Board's designee also advised Respondent that Dr. Soursa, who had signed monitoring
16 reports for Respondent dated June 14, 2010, was not an approved monitor as he had repeatedly
17 failed to submit quarterly reports during Respondent's first term of probation. Respondent failed
18 to provide the Board with an explanation as to his noncompliance with conditions 2, 9, 13, or 14
19 as directed.

20 **SECOND CAUSE TO REVOKE PROBATION**

21 **(Failure to Comply with Monitoring Requirements)**

22 11. Complainant incorporates by reference as though fully set forth herein the allegations
23 contained in subparagraph 10 (b) above.

24 12. Condition 9 of Respondent's probation states that within 30 days of the effective date
25 of the decision, Respondent shall submit to the Board for its prior approval a plan of practice in
26 which Respondent's practice shall be monitored by another optometrist, who shall provide
27 periodic reports to the Board. Any cost for such monitoring shall be paid by Respondent. If the

28 ///

1 monitor resigns or is no longer available, Respondent shall, within 15 days, move to have a new
2 monitor appointed, through nomination by Respondent and approval by the Board.

3 13. Respondent's probation is subject to revocation in that he failed to submit to the
4 Board within 30 days of the effective date of the decision a plan in which another optometrist
5 shall monitor his practice. Further, Respondent failed to nominate a monitor as directed by the
6 Board's designee on June 2, 2010, and instead, submitted eight probation reports to the Board for
7 monitoring dates between March 2005, and June 2010, all of which were signed by Dr. Soursa
8 and dated June 14, 2010.

9 **THIRD CAUSE TO REVOKE PROBATION**

10 **(Failure to Contact Board's Designee)**

11 14. Complainant incorporates by reference as though fully set forth herein the allegations
12 contained in subparagraphs 10 (a) and (b) above.

13 15. Condition 13 of Respondent's probation states that during the period of probation,
14 Respondent shall contact the Board regularly through phone calls and/or personal appearances, as
15 the Board designates.

16 16. Respondent's probation is subject to revocation in that he failed to attend his
17 orientation interview scheduled for April 28, 2010, as above, failed to contact the Board to
18 reschedule the interview, and failed to contact the Board to provide an explanation as to his
19 noncompliance with conditions 2, 9, 13, and 14 of his probation.

20 **FOURTH CAUSE TO REVOKE PROBATION**

21 **(Failure to Comply with Cost Recovery Requirements)**

22 17. Complainant incorporates by reference as though fully set forth herein the allegations
23 contained in subparagraph 10 (b) above.

24 18. Condition 14 of Respondent's probation states, in pertinent part, that Respondent is
25 ordered to pay the Board its remaining costs of investigation and prosecution of this matter in the
26 amount of \$13,888.70. Within 30 days of the effective date of the Decision, Respondent shall
27 submit to the Board for its prior approval a plan of reimbursement to the Board through periodic
28 payments. Payments shall be completed within 6 months of the end of the three year

1 probationary period except that, if Respondent cannot complete payment within the three years,
2 the probation shall automatically be extended and continue until such time as the payment of the
3 Board's costs is complete.


4 19. Respondent's probation is subject to revocation in that he failed to submit a plan of
5 reimbursement to the Board within 30 days of the effective date of the Decision. Further, after
6 receiving the Board's letter of June 2, 2010, Respondent submitted a plan of reimbursement to the
7 Board that was not in compliance with this condition in that the proposed payments were not
8 scheduled to be completed within 6 months of the end of the three year probationary period.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the State Board of Optometry issue a decision:

- 12 1. Revoking probation and reimposing the order of revocation of Certificate of
13 Registration to Practice Optometry Number 9861, issued to Brett Byron Cornelison;
14 2. Taking such other and further action as deemed necessary and proper.

15
16 DATED: 12/29/10


17 MONA MAGGIO
18 Executive Officer
19 State Board of Optometry
20 Department of Consumer Affairs
21 State of California
22 Complainant
23
24
25

26 SA2010101757
27 10612629.doc
28

EXHIBIT A

Decision and Order Effective August 9, 2004

Respondent.)


enters its decision after reconsideration as follows:

ORDER

The Board of Optometry hereby adopts the attached Proposed Decision of the Administrative Law Judge dated October 30, 2003 as its decision in this matter.

This Decision shall become effective on August 9, 2004

It is so ORDERED this 9th day of July 2004.



EDWARD P. HERNANDEZ, O. D.
PRESIDENT
BOARD OF OPTOMETRY

EXHIBIT B

Decision and Order Effective April 26, 2010

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

Agency Case No. 2000-152

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Optometry, Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective April 26, 2010.

It is so ORDERED March 26, 2010.

[Handwritten signature]

LEE A. GOLDSTEIN, O.D. MPA
PRESIDENT
BOARD OF OPTOMETRY

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
Probation Against:

12 **BRETT BRYON CORNELISON**
13 **524 W. Putnam Avenue**
14 **Porterville, CA 93257**
15 **Certificate of Registration to Practice**
16 **Optometry No. 961**

Respondent.

Case No. 2000-152

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

17 **TO RESPONDENT:**

18 Enclosed is a copy of the Petition to Revoke Probation that has been filed with the State
19 Board of Optometry of the Department of Consumer Affairs (Board), and which is hereby served
20 on you.

21 Unless a written request for a hearing signed by you or on your behalf is delivered or
22 mailed to the Board, represented by Deputy Attorney General Lorrie M. Yost, within fifteen (15)
23 days after a copy of the Petition to Revoke Probation was personally served on you or mailed to
24 you, you will be deemed to have waived your right to a hearing in this matter and the Board may
25 proceed upon the Petition to Revoke Probation without a hearing and may take action thereon as
26 provided by law.

27 ///

28 ///

1 The request for hearing may be made by delivering or mailing one of the enclosed forms
2 entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in
3 section 11506 of the Government Code, to

4 **Lorrie M. Yost**
5 **Deputy Attorney General**
6 **1300 I Street, Suite 125**
7 **P.O. Box 944255**
8 **Sacramento, California 94244-2550**

9 You may, but need not, be represented by counsel at any or all stages of these proceedings.

10 The enclosed Notice of Defense, if signed and filed with the Board, shall be deemed a
11 specific denial of all parts of the Petition to Revoke Probation, but you will not be permitted to
12 raise any objection to the form of the Petition to Revoke Probation unless you file a further Notice
13 of Defense as provided in section 11506 of the Government Code within fifteen (15) days after
14 service of the Petition to Revoke Probation on you.

15 If you file any Notice of Defense within the time permitted, a hearing will be held on the
16 charges made in the Petition to Revoke Probation.

17 The hearing may be postponed for good cause. If you have good cause, you are obliged to
18 notify the Office of Administrative Hearings, Attn: General Jurisdiction, 2349 Gateway Oaks,
19 Suite 200, Sacramento, CA 95833-4231, within ten (10) working days after you discover the
20 good cause. Failure to notify the Office of Administrative Hearings within ten (10) days will
21 deprive you of a postponement.

22 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

23 If you desire the names and addresses of witnesses or an opportunity to inspect and copy
24 the items mentioned in section 11507.6 of the Government Code in the possession, custody or
25 control of the Board you may send a Request for Discovery to the above designated Deputy
26 Attorney General.

27 **NOTICE REGARDING STIPULATED SETTLEMENTS**

28 It may be possible to avoid the time, expense and uncertainties involved in an
administrative hearing by disposing of this matter through a stipulated settlement. A stipulated

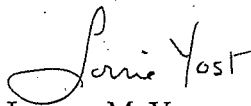
1 settlement is a binding written agreement between you and the government regarding the matters
2 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
3 State Board of Optometry but, once approved, it would be incorporated into a final order.

4 Any stipulation must be consistent with the Board's established disciplinary guidelines;
5 however, all matters in mitigation or aggravation will be considered. A copy of the Board's
6 Disciplinary Guidelines will be provided to you on your written request to the state agency
7 bringing this action.

8 If you are interested in pursuing this alternative to a formal administrative hearing, or if you
9 have any questions, you or your attorney should contact Deputy Attorney General Lorrie M. Yost
10 at the earliest opportunity.

11 Dated: January 21, 2011

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General

14 
15 LORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

18 SA2010101757
19 10657351.doc

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 2000-152

REQUEST FOR DISCOVERY

13 **BRETT BRYON CORNELISON**
14 **524 W. Putnam Avenue**
15 **Porterville, CA 93257**
16 **Certificate of Registration to Practice**
Optometry No. 961

Respondent.

17 **TO RESPONDENT:**

18 Under section 11507.6 of the Government Code of the State of California, parties to an
19 administrative hearing, including the Complainant, are entitled to certain information concerning
20 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code
21 concerning such rights is included among the papers served.

22
23 **PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE**
24 **HEREBY REQUESTED TO:**

- 25 1. Provide the names and addresses of witnesses to the extent known to the Respondent,
26 including, but not limited to, those intended to be called to testify at the hearing, and
27 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the
28 following in the possession or custody or under control of the Respondent:

- 1 a. A statement of a person, other than the Respondent, named in the initial
2 administrative pleading, or in any additional pleading, when it is claimed that the act or
3 omission of the Respondent as to this person is the basis for the administrative proceeding;
- 4 b. A statement pertaining to the subject matter of the proceeding made by
5 any party to another party or persons;
- 6 c. Statements of witnesses then proposed to be called by the Respondent and
7 of other persons having personal knowledge of the acts, omissions or events which are the
8 basis for the proceeding, not included in (a) or (b) above;
- 9 d. All writings, including but not limited to reports of mental, physical and
10 blood examinations and things which the Respondent now proposes to offer in evidence;
- 11 e. Any other writing or thing which is relevant and which would be
12 admissible in evidence, including but not limited to, any patient or hospital records
13 pertaining to the persons named in the pleading;
- 14 f. Investigative reports made by or on behalf of the Respondent pertaining
15 to the subject matter of the proceeding, to the extent that these reports (1) contain the names
16 and addresses of witnesses or of persons having personal knowledge of the acts, omissions
17 or events which are the basis for the proceeding, or (2) reflect matters perceived by the
18 investigator in the course of his or her investigation, or (3) contain or include by attachment
19 any statement or writing described in (a) to (e), inclusive, or summary thereof.

20 For the purpose of this Request for Discovery, "statements" include written statements by
21 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical
22 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or
23 summaries of these oral statements.

24 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery
25 should be deemed to authorize the inspection or copying of any writing or thing which is
26 privileged from disclosure by law or otherwise made confidential or protected as attorney's work
27 product.

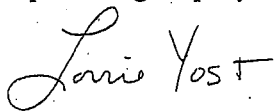
28 ///

1 Your response to this Request for Discovery should be directed to the undersigned attorney
2 for the Complainant at the address on the first page of this Request for Discovery within 30 days
3 after service of the Petition to Revoke Probation.

4 Failure without substantial justification to comply with this Request for Discovery may
5 subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the
6 Government Code.

7 Dated: January 21, 2011

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General

9
10 
11 LORRIE M. YOST
12 Deputy Attorney General
13 *Attorneys for Complainant*

14 SA2010101757
15 10657351.doc
16
17
18
19
20
21
22
23
24
25
26
27
28

**BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke
Probation Against:

BRETT BRYON CORNELISON
524 W. Putnam Avenue
Porterville, CA 93257
Certificate of Registration to Practice
Optometry No. 961

Respondent.

Case No. 2000-152

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Petition to Revoke Probation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Petition to Revoke Probation.

Dated: _____

Respondent's Name: _____

Respondent's Signature: _____

Respondent's Mailing
Address: _____

City, State and Zip Code: _____

Respondent's Telephone: _____

Check appropriate box:

- ☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

- ☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Petition to Revoke Probation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

SA2010101757
10657351.DOC

**BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke
Probation Against:

BRETT BRYON CORNELISON
524 W. Putnam Avenue
Porterville, CA 93257
Certificate of Registration to Practice
Optometry No. 961

Respondent.

Case No. 2000-152

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Petition to Revoke Probation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Petition to Revoke Probation.

Dated: _____

Respondent's Name: _____

Respondent's Signature: _____

Respondent's Mailing
Address: _____

City, State and Zip Code: _____

Respondent's Telephone: _____

Check appropriate box:

- ☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

- ☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Petition to Revoke Probation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

SA2010101757
10657351.DOC

COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

Case Name: In the Matter of the Petition to Revoke Probation Against:
Brett Bryon Cornelison

Case No.: 2000-152

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 21, 2011, I served the attached **PETITION TO REVOKE PROBATION; STATEMENT TO RESPONDENT; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 blank copies); and DISCOVERY GUIDELINES** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **ABOVE LISTED DOCUMENTS** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Brett Byron Cornelison
524 W. Putnam Avenue
Porterville, CA 93257

CERTIFIED MAIL NO.:

Certified Article Number

7160 3901 9849 2180 9915

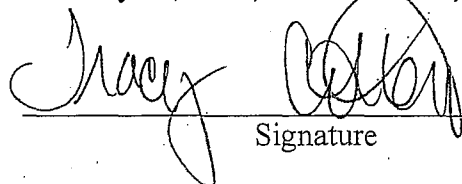
SENDERS RECORD

Courtesy copy via U.S. Mail only:

Jessica Sieferman
Probation Monitor
Board of Optometry
2420 Del Paso Road, Suite 255
Sacramento, CA 95834

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 21, 2011, at Sacramento, California.

Tracy Cortez
Declarant


Signature

7160 3901 9849 2180 9915

TO:
Brett Byron Cornelison
524 W. Putnam Avenue
Porterville, California 93257

SENDER: Lorrie M. Yost

REFERENCE: SA2010101757

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

Exhibit 2

License History Certification for Respondent



Board of Optometry
2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Tel: (916) 575-7170
Fax: (916) 575-7292
www.optometry.ca.gov



CERTIFICATION

The undersigned, Mona Maggio, hereby certifies as follows:

That she is the duly appointed, acting and qualified Executive Officer of the Board of Optometry of the State of California, and that in such capacity she has custody of the official records of said board.

On this twenty-third day of June 2010, the Executive Officer examined said official records of said Board of Optometry and found that **BRETT B. CORNELISON** graduated from the University of California in Berkeley, School of Optometry in 1988, and is the holder of Certificate of Registration to Practice Optometry No. 9861, which was granted to him effective March 6, 1992 and is currently in full force and effect and will expire October 31, 2010, unless renewed. The current address of record for said Certificate of Registration is 524 W. Putnam Avenue, Porterville, California, 93257.

Said records further reveal that, on or about January 25, 2000 **BRETT B. CORNELISON**, became certified to treat with Therapeutic Pharmaceutical Agents pursuant to Business and Professions Code Section 3041.

Given under my hand and the seal of the State Board of Optometry, in Sacramento, California, on this twenty-third day of June 2010:


Mona Maggio, Executive Officer

2010 JUN 23 10:20

Exhibit 3

Certification of Costs

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 2000-152

13 **BRETT BRYON CORNELISON**
14

**CERTIFICATION OF
PROSECUTION COSTS:
DECLARATION OF LORRIE M. YOST**

15 Respondent.
16

[Business and Professions Code section 125.3]

17
18 I, LORRIE M. YOST, hereby declare and certify as follows:

19 1. I am a Deputy Attorney General employed by the California Department of Justice
20 (DOJ), Office of the Attorney General (Office). I am assigned to the Licensing Section in the
21 Civil Division of the Office. I have been designated as the representative to certify the costs of
22 prosecution by DOJ and incurred by the State Board of Optometry in this case. I make this
23 certification in my official capacity and as an officer of the court and as a public employee
24 pursuant to Evidence Code section 664.

25 2. I represent the Complainant, Mona Maggio, Executive Officer of the State Board of
26 Optometry, in this action. I was assigned to handle this case on or around June 30, 2010.

27 3. Our Office's computerized case management system reflect that the following persons
28 have also performed tasks related to this matter: Lorrie Yost, Deputy Attorney General.

1 4. I am familiar with the time recording and billing practices of DOJ and the procedure
2 for charging the client agency for the reasonable and necessary work performed on a particular
3 case. It is the duty of the time keeping employees to keep track of the time spent and to report
4 that time in DOJ's computerized case management system at or near the time of the tasks
5 performed.

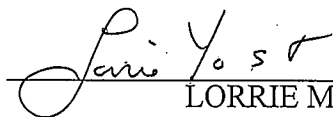
6 5. On March 7, 2011, I requested a billing summary for this case from the Accounting
7 Department of the DOJ. In response, on March 7, 2011, I received a document entitled "Matter
8 Time Activity by Professional Type." I hereby certify that the Matter Time Activity by
9 Professional Type, attached hereto as Exhibit A, and herein incorporated by reference, is a true
10 and correct copy of the billing summary for this matter that I received from the Accounting
11 Department. The summary includes the billing costs incurred by myself, as well as other
12 professionals of the DOJ who worked on the matter; and sets forth the tasks undertaken, the
13 amount of time billed for the activity, and the billing rate by professional type. The billing
14 summary is comprehensive of the charges by the Office to the State Board of Optometry through
15 March 7, 2011. It does not include billing for tasks performed after March 7, 2011, up to the date
16 of hearing.

17 6. Based upon the time reported through March 7, 2011, as set forth in Exhibit A, DOJ
18 has billed the State Board of Optometry \$1,745.00 for the time spent working on the above
19 entitled case.

20 7. To the best of my knowledge the items of cost set forth in this certification are correct
21 and were necessarily incurred in this case.

22 I certify under penalty of perjury under the laws of the State of California that the foregoing
23 is true and correct.

24 Executed on March 8, 2011, in the City of Sacramento, California.

25
26 

27 LORRIE M. YOST
28 Deputy Attorney General
Declarant

Exhibit A

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE
1300 I STREET, SACRAMENTO, CA 95814
Billing Inquiries: (916) 324-5090



Matter Time Activity By Professional Type

As of Mar 7, 2011

Matter ID: SA2010101757

Date Opened: 07/07/2010

Description: Cornelison, Brett Bryon

Professional Type: Attorney

Fiscal Year: 2010

Professional: Lorrie M. Yost

Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj ?	Statement Date
106785838	7/12/10	CV-LIC:110	03581	Client Communication	0.50	\$170.00	\$85.00		7/31/10
106814936	8/18/10	CV-LIC:110	03581	Pleading Preparation	1.00	\$170.00	\$170.00		8/31/10
106818108	8/25/10	CV-LIC:110	03581	Client Communication	0.25	\$170.00	\$42.50		8/31/10
106818345	8/30/10	CV-LIC:110	03581	Client Communication	0.25	\$170.00	\$42.50		8/31/10
106818361	8/31/10	CV-LIC:110	03581	Case Management	0.50	\$170.00	\$85.00		8/31/10
106840556	9/22/10	CV-LIC:110	03581	Case Management	0.25	\$170.00	\$42.50		9/30/10
106900083	12/2/10	CV-LIC:110	03581	Pleading Preparation	1.50	\$170.00	\$255.00		12/31/10
106906374	12/6/10	CV-LIC:110	03581	Client Communication	0.50	\$170.00	\$85.00		12/31/10
106910791	12/14/10	CV-LIC:110	03581	Client Communication	0.50	\$170.00	\$85.00		12/31/10
106915762	12/30/10	CV-LIC:110	03581	Case Management	0.25	\$170.00	\$42.50		12/31/10
Lorrie M. Yost Totals:					5.50		\$935.00		
2010 Totals:					5.50		\$935.00		
Attorney Totals:					5.50		\$935.00		

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE
1300 I STREET, SACRAMENTO, CA 95814
Billing Inquiries: (916) 324-5090



Matter Time Activity By Professional Type

As of Mar 7, 2011

Matter ID: SA2010101757

Date Opened: 07/07/2010

Description: Cornelison, Brett Bryon

Professional Type: Paralegal

Fiscal Year: 2010

Professional: Patricia H. Davis

Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj.?	Statement Date
106778332	7/13/10	CV-LIC:110	03581	Pleading Preparation	0.25	\$120.00	\$30.00		7/31/10
106826206	9/13/10	CV-LIC:110	03581	Pleading Preparation	4.25	\$120.00	\$510.00		9/30/10
106826385	9/14/10	CV-LIC:110	03581	Pleading Preparation	1.50	\$120.00	\$180.00		9/30/10
106830705	9/20/10	CV-LIC:110	03581	Pleading Preparation	0.75	\$120.00	\$90.00		9/30/10
Patricia H. Davis Totals:					6.75		\$810.00		
2010 Totals:					6.75		\$810.00		
Paralegal Totals:					6.75		\$810.00		
SA2010101757 Totals:					12.25		\$1,745.00		

Exhibit 4

Case Summary (without attachments)



Board of Optometry
2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Tel: (916) 575-7170
Fax: (916) 575-7292
www.optometry.ca.gov



CASE SYNOPSIS:

As of June 23, 2010, the Probationer, Dr. Brett Cornelison, is in violation of four (4) conditions of his probation. Each condition is addressed below with a brief description of the violation.

(2) COOPERATE WITH PROBATION SURVEILLANCE

- On April 6, 2010, the Board sent a letter to Dr. Cornelison (Attachment #1) informing him of the Board's decision and adoption of his Stipulated Settlement. The letter further advised Dr. Cornelison that a follow up letter would be sent with the date, time, and location of his orientation interview.
- On April 6, 2010 (afternoon), the Board sent a letter certified and regular mail (Attachment #2) to Dr. Cornelison informing him of his interview scheduled for April 28, 2010.
- Dr. Cornelison never contacted the Board and failed to show for his interview. After several attempts to contact Dr. Cornelison, the Board was finally able to make contact via telephone on May 20, 2010. In the telephone conversation, Dr. Cornelison confirmed that he did receive both of the Board's letters, but he "just hasn't gotten around to them, [but] they're sitting in a stack of mail." Dr. Cornelison was less than cooperative throughout the conversation; it appeared that he could not care less about his probation.
- Dr. Cornelison offered no response to his notification of noncompliance with this condition.

(9) MONITORING

- Dr. Cornelison failed to submit a plan in which another optometrist shall monitor his practice within 30 days of the effective date. He further failed to nominate and receive a Board approved monitor. In Dr. Cornelison's notification of noncompliance, he was requested to immediately nominate a monitor and was specifically told that Dr. Soursa was not an approved monitor, as he had repeatedly failed to submit quarterly reports in Dr. Cornelison's first round of probation. Dr. Cornelison was also verbally told that Dr. Soursa was not an approved monitor during our telephone conversation on May 20, 2010.
- In response to his notification of noncompliance with this condition, Dr. Cornelison submitted eight reports spanning from 2005-2008; all the reports were signed by Dr. Soursa and dated June 14, 2010.

(13) CONTACT WITH THE BOARD

- As previously stated, Dr. Cornelison failed to appear for his probation interview on April 28, 2010. Although Dr. Cornelison confirmed receiving both letters from the Board, he never contacted the Board to reschedule his interview. Since Dr. Cornelison's probation became effective on April 26, 2010, he has made contact with the Board only twice. The first conversation (as described above) was only after several attempts by the board, and the

second was on June 14, 2010, when he called to inform me he was faxing his response to the notification of noncompliance.

- Dr. Cornelison offered no response to his notification of noncompliance with this condition.

(14) COSTS

- Dr. Cornelison failed to submit a plan of reimbursement to the Board within 30 days of the effective date. During the May 20, 2010 telephone conversation, Dr. Cornelison indicated that a payment plan (or any form of reimbursement to the Board) would not work for him.
- In response to his notification of noncompliance, Dr. Cornelison submitted a plan of reimbursement to the Board. This plan, however, is not in compliance with this condition, as payments are not completed within six months of the probation completion date.